

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BRIAN FORD,

Plaintiff,

-against-

THE NEW YORK CITY BOARD OF  
EDUCATION (a/k/a the Department of Education)  
Carmen Farina in her official capacity as  
Chancellor,

**NOTICE OF DEFENDANTS'  
MOTION TO DISMISS THE  
THIRD AMENDED  
COMPLAINT**

No. 19 Civ. 6327 (JPC)(KHP)

Defendants.

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**PLEASE TAKE NOTICE** that upon the Memorandum of Law in Support of Defendant's Motion to Dismiss the Third Amended Complaint, and upon all the papers and proceedings previously had herein, Defendants will move this Court at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, before the Honorable John P. Cronan, on a date and time to be decided by the Court, pursuant to Rule 12(b) of the Federal Rules of Civil Procedure to dismiss the Third Amended Complaint on the basis that this Court lacks jurisdiction over Plaintiff's National Labor Relation Act claims, and Plaintiff otherwise fail to state a plausible claim, and granting such other and further relief that this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that pursuant to this Court's April 19, 2021 order, Plaintiff shall serve and file any opposing affidavits and answering memoranda of law on or before May 27, 2021 and Defendant shall serve and file any reply affidavits and memoranda of law on or before June 10, 2021.

Date:           New York, New York  
                April 27, 2021

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By: /s/ *Nicholas Green*  
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**JAMES E. JOHNSON**

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*Of Counsel: Nicholas Green*  
*Tel: (212) 356-2445*  
*Matter No.: 2020-026533*

*Due and timely service is hereby admitted.*

*New York, N.Y....., 2021*

..... *Esq.*

*Attorney for .....*